

# JACKSONVILLE POLICE DEPARTMENT

Policy: 5-22  
Effective: 01-01-14  
Revised: 04-24-19

## RECORDING / FILMING OF LAW ENFORCEMENT ACTIVITY

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**PURPOSE:** To direct employees of this Department with respect to the proper law enforcement response to citizens who are recording/filming officers.

**POLICY:** It is the policy of this Department to uphold the Constitutional Rights of all persons. This policy includes ensuring the First (1<sup>st</sup>), Fourth (4<sup>th</sup>), and Fifth (5<sup>th</sup>) Amendment rights of individuals to document the conduct of employees of this Department through video and audio recordings are facilitated.

### **DEFINITIONS:**

- I. **LEGAL PRESENCE/LAWFUL PRESENCE:** Any area where a person has the legal right to be thus, private property owned or occupied with permission of the property owner; public buildings such as stores, malls etc. and public areas such as streets, sidewalks etc.
- II. **RECORDING DEVICE:** Any device capable of recording audio or video to include but not limited to cameras (still and video); recorders; cellular devices, PDAs, tablets, or any other device capable of such recording.
- III. **ENFORCEMENT ACTION:** includes but is not limited to arrest; detention; seizure of recording equipment; deletion of video/audio; damaging the equipment; threatening, intimidating, discouraging, or coercive conduct aimed at ending the recording; blocking or otherwise obstructing the ability to record without a proper law enforcement objective such as an open air crime scene where it is necessary to block the view for the integrity of the investigation;
- IV. **DESIGNATED FIRST AMENDMENT/SAFETY ZONE:** A geographic area designated for demonstrations/protests balancing the right to protest with the right of citizens not involved in the protest to safely travel through the area. Such areas are sometimes designated for purposes of controlling the safety of all persons during large scale demonstrations/protests.

### **PROCEDURES:**

- A. Employees of this Department shall not prohibit the recording of law enforcement activity or take enforcement action under circumstances where the person making the recording has legal presence in the area where they are standing.
- B. Recording law enforcement action from an area where the subject is lawfully present does not constitute an offense.
- C. Officers shall not take enforcement action by way of intimidation or coercion to end the recording; by obstructing the ability to record from an area of lawful presence; or by discouraging the person from continuing the recording.
- D. Every person has a First (1<sup>st</sup>) Amendment right to observe and record law enforcement officers in the discharge of their public duties.
- E. Recording law enforcement officers engaged in public duties is a form of speech through which private individuals may gather and disseminate information of public concern, including the conduct of law enforcement officers.